

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

SYLVESTER SHOCKLEY,

Petitioner,

v.

THOMAS L. CARROLL,

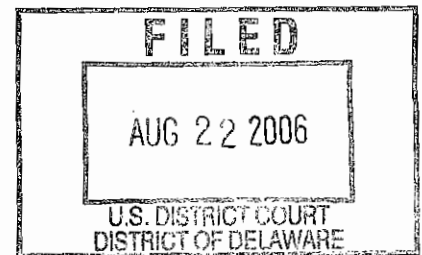
Warden, and CARL DANBERG,

Attorney General of the State of Delaware,

Respondents.

Civ.Action No.06-211-SLR

MOTION TO ALTER OR AMEND JUDGMENT



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Petitioner respectfully moves the Court pursuant to Rule 59 (e), Fed. R. Civ.P to alter or amend it's oredr filed on August 11, 2006, which granted Respondents second Motion for Extension of Time in which to Answer the petition for a writ of habeas corpus in this case. This motion is made on the grounds that:

1. On April 24, 2006, the Court issued its' order on Respondents to answer the petition within forth-five (45) days of receipt of the petition and the court's order in accordance with 28 U.S.C. Sec.2254, and Rule 5;

2. That on or/about June 19, 2006, Respondents filed their first Motion for Extension of Time requesting an extension of time to and including August 11, 2006, in which to file an answer which was granted by the court;

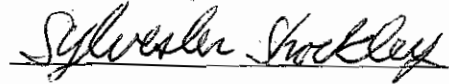
3. That on August 11, 2006, the court issued its' order which has granted Respondents second Motion for Extension of Time which has now extedded Respondents additional time in which to file their answer until September 20,2006;

4. Petitioner who is representing himself on a pro se basis, believes that Respondents are intentionally delaying or refusing to answer or otherwise show cause why he is not entitled to the relief sought in the petition in violation of his rights to procedural and substantive due process under the fourteenth amendment, despite this court's order to show cause issued April 24, 2006;

5. Petitioner further states that federal statutes provide both that habeas corpus cases should get a priority in federal court and also that these cases should be disposed of "as law and justice require. 28 U.S.C. Sec. 1657 (1994; see also, e.g., Fay v. Noia, 372 U.S. 391, 400, 83 S.Ct. 822, 9 L.Ed.2d 837 (1963) (stating that writs of habeas corpus are intended to afford a "swift and imparative remedy in all cases of illegal restraint or confinement") (quoting Secretary of State for Home Affairs v. O'Brian, (1923) A.C. 603, 609 (H.L.)), overruled on other grounds by Coleman v. Thompson, 501 U.S. 722 (1991). Habeas corpus is a speedy remedy, entitled by statute to special, preferential consideration to insure expeditious hearing and determination. Van Buskirk v. Wilkinson, 216 F.2d 735, 737-38 (9th Cir. 1954) see also 28 U.S.C. Sec. 2243 (setting out an expedited procedure for filing an answer, holding a hearing, and determining habeas corpus motions).

6. Accordingly, this court should reject any further requests by Respondents for extensions of time .

Respectfully submitted,



Sylvester Shockley

CERTIFICATE OF SERVICE

I, Sylvester Shockley, hereby certify that I have served a true and correct copy(ies) of the attached: Motion To Alter or Amend Judgment upon the following parties/person(s):

TO: Office of the Clerk  
United States District Court  
844 N. King Street, Lockbox 18  
Wilmington, Delaware 19801-3570

TO: Loren C. Meyers  
Chief of Appeals Division  
Department of Justice  
820 N. French Street  
Wilmington, DE 19801

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, DE 19977,

On this 19<sup>th</sup> day of August, 2006.

Sylvester Shockley

IM System Sheet 129

SBI# 90135 UNIT W-1

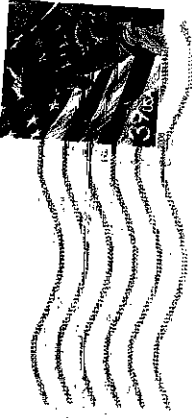
DELAWARE CORRECTIONAL CENTER

1181 PADDOCK ROAD

SMYRNA, DELAWARE 19977

# ATTENTION DE 192

2009-09-23



**U.S.M.S.  
X-RAY**

Office of the Clerk  
United States District Court  
864 N. King Street, Postbox 18  
Wilmington, DE 19801-3570

SECRET

